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OFFICE OF PETITIONS

In re	:
Currie, et al.	:
Application No. 09/655,906	: DECISION ON APPLICATION
Filed: September 6, 2000	: FOR PATENT TERM ADJUSTMENT
Patent No. 6,831,375	:
Issued: December 14, 2004	:

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT INDICATED ON ISSUED PATENT (37 C.F.R. §1.705(d))," filed February 17, 2005, requesting correction of the patent term adjustment (PTA) indicated on the patent.¹

The application for patent term adjustment is **GRANTED**.

The patent term adjustment indicated on the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of **seven hundred forty-eight (748)** days.

On December 14, 2004, the above-identified application matured into U.S. Patent No. 6,831,375. The patent issued with a Patent Term Adjustment of six hundred fifty-nine (659) days.

Patentees state that the patent is not subject to a terminal disclaimer.

¹ This application for patent term adjustment included a Certificate of Mailing dated February 14, 2005, making it timely.

The Office determined a patent term adjustment of six hundred fifty-nine (659) days based on an adjustment for PTO delay of six hundred eleven (611) days pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 C.F.R. § 1.703(a)(1) and one hundred thirty-seven (137) days pursuant to 35 U.S.C. 154(b)(1)(A)(iv) and 37 C.F.R. § 1.703(a)(6), reduced by applicants' delays of eighty-nine (89), days pursuant to 35 U.S.C. 154(b)(2)(C)(iii) and 37 C.F.R. § 1.704(c)(10). The PTO delays of 611 and 137 days have been reviewed and found to be correct. The adjustment of 89 days is at issue.

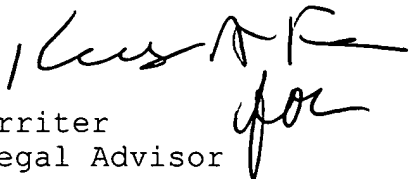
The adjustment of eighty-nine (89) days for the filing of a Information Disclosure Statement (IDS) on March 25, 2004 has been found to be incorrect. A review of the IDS reveals that it contained a statement pursuant to 37 C.F.R. § 1.704(d). Accordingly, applicant delay with respect to this filing should have been zero (0) days.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the Notice of Allowance is **seven hundred forty-eight (748)** days (748 (611 + 137) days of PTO delay, and no days of applicant delay).

Receipt of the \$200 fee set forth in 37 C.F.R. § 1.18(e) is acknowledged.

The file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify the error regarding the patent term information. See 35 U.S.C. § 254 and 37 C.F.R. § 1.322. The certificate of correction will indicate that the term of the above-identified patent is extended or adjusted by **748** days subject to any disclaimers.

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.


Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: draft Certificate of Correction